



County Forms of Government

Formation Process

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL

Political Subdivisions Interim Committee

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Legal Sources: Optional Forms

- **Utah Const. Art. II, §4**

- The Legislature shall by statute provide for optional forms of county government. The selection of an optional form shall be subject to voter approval as provided by statute.

- **Four Optional Forms in Title 17, Chapter 52a**

1. County Commission (3 members)
2. Expanded County Commission (5 or 7 members)
3. Executive-council (elected mayor; 3-9 council members)
4. Council-manager (appointed manager; 3-9 council members)



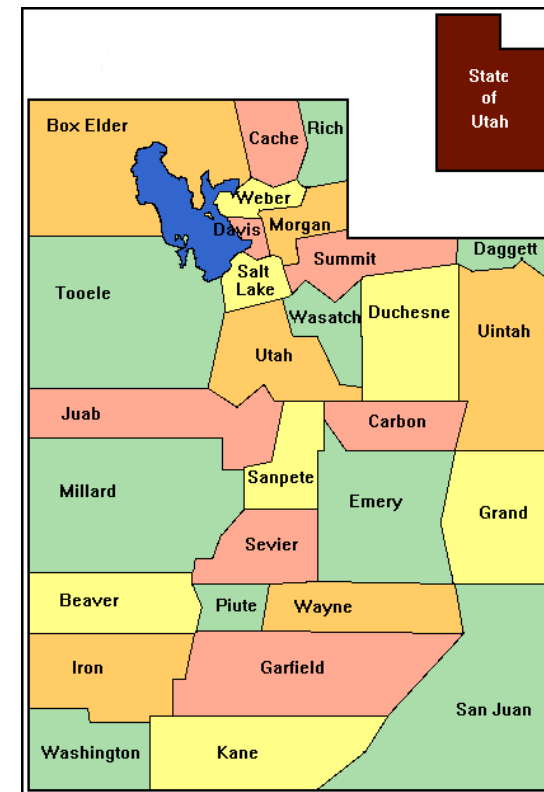
Right Form, Right Fit

- **Which form is best?**
- **Consider the county's role when choosing a form:**
 - “carrying into effect or discharging the powers and duties conferred by [Title 17], and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county... [and] enforce obedience to ordinances with fines or penalties as the county legislative body considers proper...” UCA 17-53-233
- **Under *State v. Hutchinson*, counties are granted general power to pass ordinances related to public safety, health, morals, and welfare (unless the Legislature steps in).**

Right Form, Right Fit

- **Some other considerations**

- Population size
- Budget, fiscal tensions
- Services and infrastructure
- Growth
- Geography
- Accountability



Source: <https://onlinelibrary.utah.gov/>



Legislative vs. Executive

Choosing a form is a choice in power distribution

- **Legislative**

- Power to establish policy, enact laws, appropriate funds

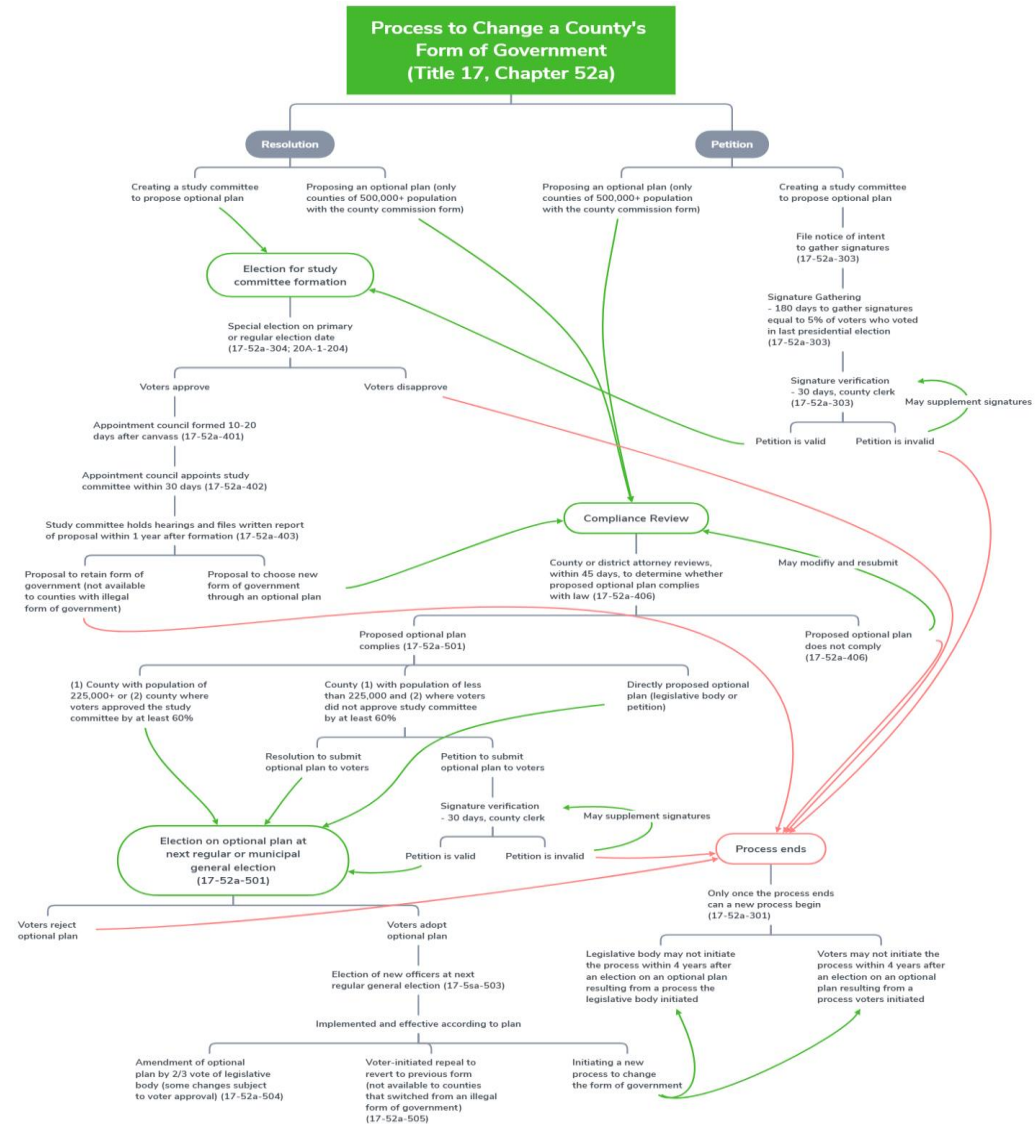
- **Executive**

- Power to implement and administer laws

Legislative and executive powers held by one body	Powers separated between bodies
<ul style="list-style-type: none">• County Commission• Expanded County Commission	<ul style="list-style-type: none">• Executive-Council<ul style="list-style-type: none">• Council is legislative; mayor is executive• Council-Manager<ul style="list-style-type: none">• Council is legislative; manager is executive (no veto power)

Process to Change

- Each county may follow a commission- or citizen-led process to change
- County attorney reviews proposed plan for compliance
- Voters ultimately approve new form
- Change: It's not tax reform. It's not the electoral college. It's not BYU football's independent status. But it's complicated!





Questions?

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